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MEMO ENDORSED

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October 8, 2020

VIA ECF¹

Having reviewed the proposed redactions, this Court finds that they are narrowly tailored, limited in scope, and justified to protect confidential and proprietary business information. See Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 120 (2d Cir. 2006). Accordingly, Skechers' motion to file under seal is granted.

Honorable William H. Pauley III
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1920
New York, New York 10007

Dated: October 13, 2020
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

**Re: *Easy Spirit, LLC v. Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II*,
No. 1:19-cv-03299 (WHP) – Request to File Under Seal**

Dear Judge Pauley:

Pursuant to Your Honor's Individual Rule V(B), Defendants Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II ("Skechers") respectfully request to file under seal the following documents:

- Defendants Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II's Reply to Plaintiff Easy Spirit, LLC's Counterstatement of Additional Material Facts.

"It is beyond question that a court may issue orders prohibiting disclosure of documents or information." *F.D.I.C. v. Ernst & Ernst*, 677 F.2d 230, 232 (2d Cir. 1982). Once the parties have relied on a confidentiality order issued by the court, the court should modify it only under an "extraordinary circumstance" or "compelling need." *Id.* (quoting *Martindell v. International Telephone & Telegraph Corp.*, 594 F.2d 291, 296 (2d Cir. 1979)).

Your Honor has previously approved the filing of Plaintiff's Counter Statement of Facts under seal (Dkt. No. 82). Skechers' request is limited to filing under seal the same confidential information previously filed under seal as it is repeated in Skechers' Reply. In accordance with the Stipulated Protective Order (Dkt. No. 23) ¶ 7, Skechers, therefore, requests that the above-listed document be filed partially under seal.

¹ Per Covid-19 Emergency Rule 2(C), Skechers will refrain from sending courtesy copies to Chambers.

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Respectfully submitted,

By: s/ Robert L. Lee

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cc: Counsel of Record via ECF